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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,385	07/07/2003	Derrick Lynn Baird		7442
44306	7590	08/16/2006		
WITHERS & KEYS, LLC P. O. BOX 71355 MARIETTA, GA 30007-1355			EXAMINER SAN MARTIN, EDGARDO	
			ART UNIT 2837	PAPER NUMBER

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,385

Applicant(s)

BAIRD, DERRICK LYNN

Examiner

Edgardo San Martin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 3, 2006 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 – 8 and 14 – 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The amendment to claims 1 and 16, filed on August 3, 2006, contain subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 8 and 14 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kang (US 5,714,723) in view of Crawford et al. (US 5,000,286).

With respect to claims 1 and 16, Kang teaches a speaker cabinet, comprising a base cabinet (Fig.1) which houses at least one speaker with at least one connection hole (Fig.1, Item 310,311) in one of the four sides and at least one connection hole in a side that is perpendicular to the one side (Fig.8), at least one female connector (Fig.6, Item 2) centered on the at least one connection hole in the one side and at least one female connector centered on the at least one connection hole in the side that is perpendicular to the one side (Fig.8), at least one male connector (Fig.6, Item 41) which passes through the either the at least one connection hole in the one side or the at least one connection hole in the side that is perpendicular to the one side and attaches to the female connector of either the at least one connection hole in the one side or the at least one connection hole in the side that is perpendicular to the one side (Fig.8), whereby (a) a user of the speaker cabinet can secure a mating speaker cabinet in bearing to the first cabinet with the male connector and either female connector and thereby increase the number of speakers in a speaker array , and (b) the user can remove one or more speakers in the speaker array (Figs.1, 6 and 8; Col.2, Line 17 –

Col.3, Line 22), but fails to disclose the particular configuration of the electrical connections.

On the other hand, Crawford et al. teach a speaker cabinet, comprising at least one series external jack providing a series electrical connection between at least one speaker of the cabinet and an external input jack of a speaker of another cabinet when the input jack is electrically connected to the series external jack, whereby (a) a user of the speaker cabinet can connect one or more speaker cabinets in series; further including a plurality of parallel external jacks providing a parallel electrical connection between the at least one speaker of the cabinet and an external input jack of a speaker of another cabinet when the input jack is electrically connected to the parallel external jack (Figs.3 and 12 – 14; Col.5, Lines 21 – 43 and Col.7, Line 57 – Col.10, Line 4).

Furthermore, the Examiner takes Official Notice that it is well known in the art of electrical audio signal connection to connect a plurality of speaker cabinets in series and/or in parallel in order to obtain a particular acoustical audio response, the claimed electrical connection configuration is necessitated by the specific or desired requirements of a particular application that do not depart from the scope of the Crawford et al. design; in addition, it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to employ the Crawford et al. connection configuration with the Kang speaker configuration because it would permit the electrical connection between

speakers with similar and different acoustical performances, increasing the quality of the output acoustical signal depending upon the venue.

With respect to claims 2, 6 and 7, the Examiner takes Official Notice that it is well known in the art of speaker cabinets and/or performing arts equipment to employ staking corners to align a plurality of stackable cabinets or boxes, in addition, the use of female connectors having a slab base weld nut configuration, and quarter turn fasteners as male and female connectors configuration is extremely well known in the art of fasteners. The slab base weld nut configuration would provide the advantage of needing to work with more than one connecting element, since the nut is already welded to one of the elements to be connected; the quarter turn fastener have the advantage of only needing one quarter turn to be securely fix to the element, improving the speed of assembly or disassembly.

With respect to claim 3, the Examiner have given little patentable weight to the claimed limitation because it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Pade Masham, 2 USPQ F.2d 1647 (1987).

With respect to claims 4, 5, 8, 14 and 15, Kang teaches the limitations described in the claims (Figs.1, 6 and 8; Col.2, Line 17 – Col.3, Line 22).

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The Examiner considers that the patents

to Kang and Crawford et al. teach the limitations described in the claims as discussed above.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-2800 ext.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edgardo San Martín
Primary Examiner
Art Unit 2837
Class 181
August 11, 2006